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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,853	09/10/2003	Deborah Kutny Splaine	SP-001US(PAR)	5194
7590	08/30/2004		EXAMINER	
Deborah Kutny Splaine 228 Asharoken Ave. Northport, NY 11768			SOTELO, JESUS D	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/658,853

Applicant(s)

KUTNY SPLAINE, DEBORAH

Examiner

Jesús D. Sotelo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

1. Claims 1-19 are in the application.
2. In claim 14, line 6, "from" should be changed to --form--.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 4, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Mencarelli et al.

Mencarelli et al discloses a comfort grip for a shaft comprising a tubular member formed of a closed cell resilient polymer material core 26 and a water resistant coating 40.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mencarelli et al.

The type of material used to make the outer coating would have been an obvious matter of choice to one skilled in the art consistent with the intended function of the outer coating; Nylon would be a material of choice for its adaptability and durability.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mencarelli et al in view of Uke et al.

Uke et al discloses a grip similar to that of Mencarelli et al. Uke et al teaches providing the interior surface of the grip with a textured configuration. In view of these disclosures, it would have been obvious to one skilled in the art to provide the interior surface of the grip disclosed by Mencarelli et al with a textured surface generally as taught by Uke et al. Such a configuration would have been desirable to prevent the grip from sliding on the handle.

8. Claims 7, 8, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mencarelli et al in view of Jones.

Jones discloses a grip similar to that of Mencarelli et al and teaches providing the grip with means to secure the adjacent edges in the form of a zipper. In view of these disclosures, it would have been obvious to one skilled in the art to provide the grip of Mencarelli et al with zipper means to secure the same on the handle generally as taught by Jones. This arrangement would have been desirable to more positively secure the grip to the handle.

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9. Claims 9, 10, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mencarelli et al in view of Putnam.

Putnam discloses a grip similar to that of Mencarelli et al. Putnam teaches providing the grip with end bands<sup>124</sup>. In view of these disclosures, it would have been obvious to one skilled in the art to provide the grip of Mencarelli et al with edge bands generally as taught by Putnam. Such an arrangement would be desirable to give the grip a more aesthetic look. The manner in which the edge bands are secured on the grip would have been an obvious matter of engineering design choice to one skilled in the art.

10. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mencarelli et al in view of Gunnell.

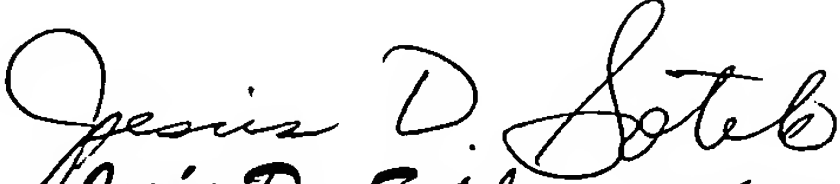
Gunnell discloses a paddle including a pair of grips <sup>22</sup>. In view of these disclosures, it would have been obvious to one skilled in the art to provide the grip of Mencarelli et al on a paddle of the type disclosed by Gunnell. The purpose for the grips in both the device of Mencarelli et al and Gunnell are substantially the same.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesús D. Sotelo whose telephone number is 703-308-2563. The examiner can normally be reached on Mon. - Fri. 6:00 AM -2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
*Jesus D. Sotelo* 8/27/04  
**Primary Examiner**  
**Art Unit 3617**  
CPK 5-6D16 ☺

sotelo;jds  
August 27, 2004